

ROSS WERSCHING & WOLCOTT LLP
William C. O'Neill/Bar No. 251071
WCO@RossLLP.com
3151 Airway Avenue, Building S-1
Costa Mesa, California 92626
Telephone: (714) 444-3900
Facsimile: (714) 444-3901

HAYNES AND BOONE, LLP
Mark D. Erickson/Bar No. 104403
mark.erickson@haynesboone.com
Kenneth G. Parker/Bar No. 182911
kenneth.parker@haynesboone.com
Martin Ellison/Bar No. 292060
Martin.ellison@haynesboone.com
Christopher B. Maciel/Bar No. 300733
chris.maciel@haynesboone.com
600 Anton Boulevard, Suite 700
Costa Mesa, CA 92626
Telephone: (949) 202-3000
Facsimile (949) 202-3001

Attorneys for Defendant
PHOENIX FIBERS, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

SWEET PEOPLE APPAREL, INC.
d/b/a MISS ME, a California
corporation, et al.,

Plaintiffs,

v.

PHOENIX FIBERS, INC., an
Arizona corporation, et al.,

Defendants.

Case No. 2:16-cv-00940-TJH-JC

Hon. Terry J. Hatter, Jr.

**DEFENDANT PHOENIX FIBERS,
INC.'S APPENDIX OF EVIDENCE**

VOLUME 1 OF 2 – EXHIBITS A-

*[Notice and Motion and Motion;
Memorandum of Points and Authorities;
Statement of Uncontroverted Facts;
[Proposed] Judgment and [Proposed]
Order Filed Concurrently Herewith]*

Date: January 30, 2017

Time: Under submission

Location: Courtroom 9B
First Street Courthouse

**APPENDIX IN SUPPORT OF PHOENIX FIBERS MOTION FOR
SUMMARY JUDGMENT OR, IN THE ALTERNATIVE,
PARTIAL SUMMARY JUDGMENT**

| <u>TAB</u> | <u>DESCRIPTION</u> | <u>APP</u> |
|-------------------|---|---------------------|
| A | Declaration of Tod Kean in Support of Defendants' Motions for Summary Judgment | APP-0001 – APP-0005 |
| B | Declaration of Steven Johnson in Support of Defendants' Motions for Summary Judgment | APP-0006 – APP-0010 |
| C | Declaration of Christopher Maciel in Support of Defendants' Motions for Summary Judgment | APP-0011 – APP-0017 |
| D | Excerpts from the Deposition of Lisa Song | APP-0018 – APP-0052 |
| E | Excerpts from the Deposition of Lilly Kim | APP-0053 – APP-0096 |
| F | Excerpts from the Deposition of Felipe Salgado | APP-0097 – APP-0117 |
| G | Excerpts from the Deposition of Tiffany Wolff | APP-0118 – APP-0123 |
| H | First Amended Complaint [Docket #32] | APP-0124 – APP-0149 |
| I | http://crossroadstrading.com/about-us/ | APP-0150 – APP-0157 |
| J | http://cherryconsign.com/ | APP-0158 – APP-0161 |
| K | http://www.buffaloexchange.com/about-us/ | APP-0162 – APP-0164 |
| L | http://ragstock.com/about/ | APP-0165 – APP-0167 |
| M | Digging for Diamonds: A Conceptual Framework for Understanding Reclaimed Textile Products | APP-0168 – APP-0181 |
| N | PHX001387-PHX001388 | APP-0182 – APP-0183 |
| O | PHX001389-PHX001417 | APP-0184 – APP-0212 |

| <u>TAB</u> | <u>DESCRIPTION</u> | <u>APP</u> |
|-------------------|---|---------------------|
| P | Lisa Song LinkedIn Profile [Deposition Exhibit 65] | APP-0213 – APP-0215 |
| Q | November 3, 2011 Email from Lisa Song to Matt@PHXFibers [Deposition Exhibit 67] | APP-0216 – APP-0217 |
| R | December 3, 2015 Email from Felipe Salgado to Lilly Kim [Deposition Exhibit 31] | APP-0218 – APP-0219 |
| S | December 4, 2015 Email from Bahram Reihan to CustomerCare@rockrevival.com [Deposition Exhibit 32] | APP-0220 – APP-0221 |
| T | Phoenix Fibers webiste[Deposition Exhibit 38] | APP-0222 |
| U | January 18, 2012 Certificate of Recycle [Deposition Exhibit 39] | APP-0223 |
| V | January 16, 2016 Plaintiff RCRV Objections and Responses to Defendant Phoenix Fibers, Inc.'s First Set of Interrogatories [Deposition Exhibit 56] | APP-0224 – APP-0246 |
| W | January 16, 2016 Plaintiff Sweet People Apparel Objections and Responses to Defendant Phoenix Fibers, Inc.'s First Set of Interrogatories [Deposition Exhibit 57] | APP-0247 – APP-0269 |
| X | February 26, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 44] | APP-0270 – APP-0272 |
| Y | June 15, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 48] | APP-0273 – APP-0275 |

| <u>TAB</u> | <u>DESCRIPTION</u> | <u>APP</u> |
|-------------------|--|---------------------|
| Z | September 1, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 49] | APP-0276 – APP-0277 |
| AA | September 1, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 50] | APP-0278 – APP-0279 |
| BB | September 15, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 51] | APP-0280 – APP-0282 |
| CC | October 1, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 52] | APP-0283 – APP-0284 |
| DD | October 19, 2015 Invoice from C.H. Robinson Worldwide, Inc. to Sweet People Apparel [Deposition Exhibit 53] | APP-0285 – APP-0286 |
| EE | November 7, 2011 Email from Lisa Song to Matt Graham and Steve Kim [Deposition Exhibit 71] | APP-0287 – APP-0288 |
| FF | November 4, 2011 Email from Matt Graham to Lisa Song [Deposition Exhibit 69] | APP-0289 |
| GG | US General Export Shipping Documents [Deposition Exhibit 1] | APP-0290 – APP-0313 |
| HH | August 20, 2016 Defendant U.S. General Export, Inc.'s Responses to Defendant Phoenix Fibers' Request for Admission | APP-0314 – APP-0320 |

| <u>TAB</u> | <u>DESCRIPTION</u> | <u>APP</u> |
|-------------------|--|---------------------|
| II | June 16, 2016 Plaintiff RCRV Objections and Responses to Defendant Phoenix Fibers, Inc.'s First Set of Request for Admission | APP-0321 – APP-0336 |
| JJ | June 16, 2016 Plaintiff Sweet People Apparel, Inc. Objections and Responses to Defendant Phoenix Fibers, Inc.'s, First Set of Request for Admission | APP-0337 – APP-0352 |
| KK | June 1, 2016 Defendant Phoenix Fibers, Inc.'s Responses to Plaintiff Sweet People Apparel, Inc.'s First Set of Interrogatories [Deposition Exhibit 8] | APP-0353 – APP-0363 |
| LL | Articles of Incorporation of Phoenix Fibers Inc. [Deposition Exhibit 15] | APP-0364 – APP-0372 |
| MM | http://www.missme.com/categories/jeans | APP-0373 – APP-0381 |
| NN | http://www.rockrevival.com/categories/men/jeans and http://www.rockrevival.com/categories/women | APP-0382 – APP-0391 |

DYATED: December 30, 2016

HAYNES AND BOONE, LLP

By: /s Kenneth G. Parker
Kenneth G. Parker
Attorneys for Defendant
PHOENIX FIBERS, INC.

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 years and not a party to the within action. I am employed in the County of Orange, State of California, within which county the subject service occurred. My business address is 600 Anton Boulevard, Suite 700, Costa Mesa, California 92626.

On December 30, 2016, I served the following document described as: **DEFENDANT PHOENIX FIBERS, INC.'S APPENDIX OF EVIDENCE – VOLUME 1 – EXHIBITS A-__** on the interested parties in this action in the manner identified below:

[XXX] BY ELECTRONIC FILING. I caused such document(s) to be electronically filed and served through the United States District Court's CM/ECF System for the within action. This service complies with the Federal Rules of Civil Procedure. The file transmission was reported as complete and a copy of the Court's Notice of Electronic Filing will be maintained with the original document(s) in our office. Participants in the case who are registered CM/ECF users will be served by the District CM/ECF System.

I declare that I am employed in the offices of a member of the bar of this Court at whose direction this service was made, and that this service complies with the Federal Rules of Civil Procedure.

Executed on December 30, 2016, at Costa Mesa, California.

/s Breean Cordova
Breean Cordova